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SERVICE DATE - OCTOBER 2, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 394X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY  
COMPANY-ABANDONMENT EXEMPTION -IN BURKE AND  
WILLIAMS COUNTIES, ND

Decided: October 1, 2003

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon and discontinue service over a 60.51-mile line of railroad between milepost 26.59 in Powers Lake, and milepost 87.10 in Grenora, in Burke and Williams Counties, ND. Notice of the exemption was served and published in the Federal Register on July 1, 2002 (67 FR 44261). The notice stated that, if consummation had not been effected by BNSF's filing of a notice of consummation by July 1, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup> Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On April 16, 2003, BNSF filed such an extension request. By decision served May 21, 2003, the due date for filing a notice of consummation was extended to September 30, 2003.

On September 30, 2003, BNSF filed a request to extend the deadline for filing its notice of consummation until November 30, 2003. According to BNSF, the extension is necessary due to weather-related delays and salvage scheduling. The salvage operations are not planned to be completed until approximately November 30, 2003. Accordingly, good cause has been shown and the deadline for filing the notice of consummation will be extended to November 30, 2003.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> By decision served July 30, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to an environmental condition (related to geodetic station markers). That condition remains in effect.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before November 30, 2003.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary